| 1<br>2<br>3<br>4 | Thomas S. Brazier, Esq. SBN 055484<br>LaMORE, BRAZIER, RIDDLE & GIAMPAOLI<br>1570 The Alameda, Suite 150<br>San Jose, California 95126-2305<br>Telephone: (408) 280-6800<br>Facsimile: (408) 275-6284 | *E-FILED 4/6/07*           |  |
|------------------|---|----------------------------|--|
| 5                | Attorneys for Defendants ELIASON RANCH TRUCKING, LLC  |                            |  |
| 6                | and TONY FLOYD  |                            |  |
| 7                |   |                            |  |
| 8                | UNITED STATES DISTRICT COURT  |                            |  |
| 9                | NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION   |                            |  |
| 10               |   |                            |  |
| 11               | EDWARD HALL   |                            |  |
| 12               | Plaintiff,  | Case No.: C06-07197 RS ADR |  |
| 13               | V.  |                            |  |
| 14               | ELIASON RANCH TRUCKING, LLC and DOES 1 through 10.  |                            |  |
| 15               | Defendants.   |                            |  |
| 16               | LIBERTY MUTUAL FIRE INSURANCE COMPANY,  | Case No. C 07-00416 RS     |  |
| 17               | ,   |                            |  |
| 18               | Plaintiff, TONY FLOYD, ELIASON RANCH  |                            |  |
| 19               | TRUCKING,LLC and DOES 1 through 25, inclusive,  |                            |  |
| 20               | ,   |                            |  |
| 21               | Defendants.   |                            |  |
| 22               |   |                            |  |
| 23               | STIPULATION OF PARTIES TO C   | ONSOLIDATE RELATED CASES;  |  |
| 24               | PROPOSED ORDER  |                            |  |
| 25               |   | •                          |  |
| 26               |   |                            |  |
| 27               |   |                            |  |
| 28               |   |                            |  |
|                  |   |                            |  |

Case No. C06-07197RS – STIPULATION OF PARTIES TO CONSOLIDATE RELATED CASES; [PROPOSED] ORDER

| WHEREAS, Plaintiff Edward Hall filed his state court complaint alleging on or about                     |
|---|
| October 30, 2004, a truck owned by Eliason Ranch Trucking and operated by its driver, Tony Floyd,       |
| collided with a car driven by Plaintiff Edward Hall at the Dole Packaging Plant in Marina, California   |
| (hereinafter "accident"). Said action was filed in Monterey County Superior Court under Case No.        |
| M81423. The case is entitled Edward Hall v. Eliason Ranch Trucking, et al. That action was removed      |
| to United States District Court for the Northern District of California, San Jose Division, on or about |
| November 20, 2006 and is designated as Case No. C 06-07197 RS ADR;                                      |

WHEREAS, a separate action arising out of the accident has been filed in state court by Liberty Mutual Fire Insurance Company, the worker's compensation carrier which has allegedly paid benefits to, and on behalf of, Plaintiff Hall for injuries he alleged sustained in the accident. Eliason Ranch Trucking and Tony Floyd are named as defendants. The case is entitled *Liberty Mutual Fire Insurance Company v. Tony Floyd, et al*, Monterey County Superior Court, Case No. M81497. This case was removed to the United States District Court for the Northern District of California, San Jose Division, on or about January 22, 2007 and is designated as Case No. C 07-00416 RS;

WHEREAS, on or about February 14, 2007, the cases were assigned to a single judge, namely, Richard Seeborg, United States Magistrate Judge.

WHEREAS, the parties to both cases desire to consolidate these related matters for all purposes, including all pre-trial matters and trial.

NOW THEREFORE, the parties, through their respective counsel of record, hereby stipulate to consolidate *Edward Hall v. Eliason Ranch Trucking*, Case No. C 06-07197 RS ADR, with *Liberty Mutual Fire Insurance Company v. Tony Floyd, et al*, Case No. C 07-00416 RS, for all purposes, including trial.

Dated: APRIL 7, 2007 ALEXANDER HAWES & AUDET, LLP

By: \_\_\_\_\_

Richard Alexander Jeff Rickard

Áttorneys for Plaintiff

**EDWARD HALL** 

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17:38

|    | Case 5:07-cv-00416-RS Docu   | ment 11 Filed 04/06/07 Page 4 of 5             |
|----|--|--|
| 1  | Dated:, 2007   | BROWNWOOD, CHAZEN & CANNON                     |
| 2  |  |  |
| 3  |  | By:  |
| 4  |  | Sherry Santa Cruz Attorneys for Plaintiff      |
| 5  |  | LIBERTY MUTUAL FIRE INSURANCE COMPANY          |
| 6  |  |  |
| 7  | Dated: 3/28, 2007  | LaMORE, BRAZIER, RIDDLE & GIAMPAOLI            |
| 8  |  | By: Jan Jan                                    |
| 10 |  | THOMAS S BRAZIER Attorneys for Defendants      |
| 11 |  | ELIASÓN RANCH TRUCKING, LLC and TONY FLOYD     |
| 12 |  |  |
| 13 | [PROPOSED] ORDER   |  |
| 14 | Pursuant to the Stipulation above, the above-captioned matters are hereby consolidated under |  |
| 15 | Case No. C06-07197 RS (Edward Hall v. Eliason Ranch Trucking).                               |  |
| 16 | IT IS SO ORDERED.  |  |
| 17 |  |  |
| 18 | Dated:, 2007   |  |
| 19 |  | Richard Seeborg United States Magistrate Judge |
| 20 |  | United States Magistrate Judge                 |
| 21 |  |  |
| 22 |  |  |
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|    |  | -  |

Case No. C06-07197RS – STIPULATION OF PARTIES TO CONSOLIDATE RELATED CASES; [PROPOSED] ORDER

1 **CERTIFICATE OF SERVICE** I am a citizen of the United States and employed in the county aforesaid; I am over 2 the age of eighteen years, and not a party to the within action; my business address is 1570 The Alameda, Suite 150, San Jose, California. On the date set forth below I served the documents described below: 3 4 STIPULATION OF PARTIES TO CONSOLIDATE RELATED CASES; PROPOSED ORDER 5 on the following person(s) in this action by placing a true copy thereof enclosed in a sealed 6 envelope addressed as follows: 7 Sherry Santa Cruz, Esq. **Attorneys for Plaintiff** LIBERTY MUTUAL FIRE INSURANCE Brownwood Chazen & Cannon 8 COMPANY 525 B Street, Suite 1300 9 San Diego, CA 92101 Telephone: (619) 744-6800 10 Facsimile: (619) 744-6814 11 Jeff Rickard, Esq. **Attorneys for Plaintiff** 12 EDWAŘD HALL Richard Alexander, Esq. Alexander Hawes, LLP 13 152 N. Third Street, Suite 600 14 San Jose, CA 95112 Telephone: (408) 289-1776 15 Facsimile: (408) 287-1776 16 (Courtesy Copy) 17 [X](BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be 18 placed in the United States mail at San Jose, California. 19 (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s). 20 (BY FACSIMILE) I caused such document(s) to be transmitted by facsimile on this 21 date to the offices of addressee(s). (BY FEDERAL EXPRESS) I caused such envelope(s) with all fees fully prepaid to 22 be placed in the Federal Express office at San Jose, California. 23 (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 24 (FEDERAL) I declare that I am employed in the office of a member of the bar of this [X]25 court at whose direction the service was made. 26 EXECUTED on March 28, 2007, at San Jose, California. 27 ca Maileton 28 15651-076